

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3005 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

(No. 1 to 5 NO)

B V ANJARIA

Versus

D D O

Appearance:

MR PH PATHAK for Petitioners

MR. L.R. Pujari & MR DA BAMBHANIA for Respondents

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 05/12/97

ORAL JUDGEMENT

Today, I have pronounced my orders in Special Civil Application No. 3080 of 1986. In my opinion the fate of the present petition is similar.

The petitioners have approached this Court by taking out the present petition, saying that, the Petitioner no.1, at all the relevant time was and is

working as a Work Charge Clerk since April 1982 of the Respondent no.2. The petitioner no.2 happens to be a registered trade union. According to the petitioners, the petitioner no.1 though was given certain artificial breaks, he is continuously in service since April 1982 and therefore, he would be entitled to the prescribed pay scale and all other benefits incidental to this situation.

There is a Government Resolution dated October 17, 1988 under which the benefits of regular pay scale, increments and other conditions of service, inclusive of pension, gratuity etc. are directed to be given. There is an unreported decision of this Court in Special Civil Application No.5291/85 with Special Civil Application No. 2307/86 decided on October 22, 1997. In this decision also the benefits to be conferred under the above said Resolution have been recognised.

Therefore, in my opinion, the present petition requires a full recognition. Therefore while making the rule absolute, I say that the Respondents or the concerned department thereunder shall take in to consideration the case of the petitioner no.1 for giving all the benefits like regular pay scale, D.A., allowance, pension, gratuity and other service conditions as indicated in the said Resolution, within a period of three months from the date of receipt of the writ of the present orders. I further direct that, if in case the claim of the petitioner no.1 is to be accepted, then all the benefits aforementioned should be determined within a period of two months next, and the payment of arrears etc. should be made within one month next to that.

With these directions, the present petition stands disposed of. Rule is made absolute accordingly, with no order as to costs.

In case of difficulty, liberty is reserved for the petitioners to approach this Court once again.

/vgn.